

State of Colorado



Bill Owens
Governor

John Zakhem
Board Chair

Kristin F. Rozansky
Board Director

State Personnel Board
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Meeting Minutes March 1, 2006

The State Personnel Board met in special public session on Wednesday, March 1, 2006, at the Colorado State Personnel Board, 633 17th Street, Suite 1400, Courtroom 6, Denver, Colorado 80202-3604.

The meeting was called to order at approximately 8:15 a.m. Board Members Troy Eid, Diedra Garcia, Don Mares, Elizabeth Salkind, and John Zakhem were present via teleconferencing.

Kristin F. Rozansky, Board Director; Assistant Attorney General Pam Sanchez, Board Counsel; and Jane Sprague, General Professional III, were present in person.

III. REVIEW OF INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR ON APPEAL TO THE STATE PERSONNEL BOARD

A. David Ruchman v. Department of Revenue, Enforcement Group, Hearings Division, State Personnel Board case number 2005B085.

Director Rozansky reviewed the motions made by the Board members from the February 21, 2006 meeting, stating that the Board had adopted the findings of fact and conclusions of law, with the exception of Conclusion of Law 5, of the Initial Decision of the Administrative Law Judge. Board Counsel advised the Board that during the interim since the last meeting, Respondent filed a Notice to the State Personnel Board and Complainant filed a Response to Appellant's Notice to the State Personnel Board. Board Counsel noted that since the briefing period regarding the Initial Decision of the Administrative Law Judge had run and the Board was actively engaged in the deliberative process, Respondent's Notice to the State Personnel Board should not be considered and need not be addressed for purposes of this meeting. After a discussion of the standards under which attorney fees are awarded, Ms. Salkind moved to adopt Conclusion of Law 5 in the Initial Decision of the Administrative Law Judge ("Attorney fees are not warranted"). Mr. Zakhem seconded the

motion. The motion passed on the affirmative vote of the following Board members: Mr. Eid, Ms. Salkind, and Mr. Zakhem. Ms. Garcia and Mr. Mares voted in opposition to the motion.

The meeting adjourned by consensus.

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APPROVED THIS 21st DAY OF MARCH, 2006.

John Zakhem, Chair

Troy Eid, Member

Diedra Garcia, Member

Donald J. Mares, Member

Elizabeth Salkind, Member